

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:00-CR-118-2-F

UNITED STATES OF AMERICA

v.

RONY JOSEPH,
a/k/a JOSEPH RONY,
Defendant.

)
)
)
)
)
)
)

ORDER

This matter is before the court on the defendant's letter/motion to "revisit" the financial assessments imposed on him at sentencing. *See* [DE-104]. He explains that he has been ordered deported and no longer is eligible for the "prison factory program." Therefore, he states, he cannot make even the minimum \$25 per quarter Inmate Financial Responsibility Program ("IFRP") payments. Furthermore, he explains that because his home country of Haiti is in a state of distress, he will need all the money he can save in order to survive.

The court lacks the authority to amend Joseph's sentence under the circumstances he describes. The Judgment in his case ordered that his fine and other criminal monetary penalties are due "in full immediately," with credit given for "all payments previously made toward any criminal monetary penalties imposed." Additionally, his Judgment provides that

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal


monetary penalty payments are to be made to the Clerk, U.S. District Court . . . , except those payments made through the Bureau of Prisons' Inmate financial Responsibility Program."

Furthermore, the court is advised that Joseph has refused to participate in the IFRP within the past few weeks although he is eligible to do so. While he no longer qualifies to work in the UNICOR prison industries program, he is not precluded from working in other assignments in which he could earn a similar wage. Additionally, although Joseph has refused to pay the \$25.00 per month IFRP assessment toward his \$8868.08 fine balance, the court is informed that he nevertheless has received and spent over \$1,200.00 from his prison account over the past six months or so.

Joseph undoubtedly faces dire conditions upon his eventual release and deportation to his home country of Haiti, projected to be in 2022. However, his motion [DE-104] for relief from the financial aspects of his Judgment is DENIED.

SO ORDERED.

This, the 4th day of August, 2010.



JAMES C. FOX
Senior United States District Judge